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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,849	10/21/2003	Wanda Plager	PLAGER.ICP1C1	5394

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EXAMINER

KATCHEVES, BASIL S

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,849

Applicant(s)

PLAGER, WANDA

Examiner

Basil Katcheves

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to the RCE and claims filed 8/4/05. Pending claims 24-28 are examined below.

Terminal Disclaimer

Applicant's Terminal Disclaimer has been entered on 8/4/05. However, as of the date of this action, it has not been reviewed. Once approved, the Double Patenting rejection of the previous office action will be withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24, 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,711,125 to Schooling as in the previous office action.

Regarding claim 24, Schooling discloses a security door having a door and a frame (fig. 1), the door having a planar decorative image (fig. 4: see planar components 46, 48 and areas between 44) and a planar decorative portion on the frame (fig. 2: see planar frame, **column 1 lines 52-56**) which appears as a planar extension of the door (fig. 1: 10). Schooling also discloses a number of rigid cross members (44) interconnected with 46 and 48 to create a barrier (fig. 4: 40).

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Regarding claim 27, Schooling discloses the use of hinges for the doorway (column 2, lines 37-38).

Regarding claim 28, Schooling discloses the use of a slidable doorway (column 2, lines 39-40).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,711,125 to Schooling in view of U.S. patent No. 6,089,301 to Smith.

Regarding claim 25, Schooling does not disclose palm tree image on the doorway. Smith discloses a decorative image on a doorway (fig. 2) comprised of various trees. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Schooling by adding a decorative tree design, as disclosed by Smith, in order to improve the aesthetics of the door. Also, Smith does not specifically disclose these trees as being palm trees. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use palm trees on the door of Smith in places where palm trees are located, such as Hawaii and California, so that the doors may resemble the local landscape.

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Regarding claim 26, Smith discloses a decorative door with vines and leaves (fig. 2: 13). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Schooling by using the decorative covering disclosed by Smith in order to improve the aesthetics of the security door.

Response to Arguments

Applicant's arguments filed 8/04/05 have been fully considered but they are not persuasive. Applicant argues that Schooling does not disclose a decorative portion on the frame of the door. The examiner has further clarified the decorative portion of Schooling in the rejection above. This further clarification may be found in column 1, lines 52-56 where Schooling describes a decorative (line 55) wood trim which covers the door frame and also found in column 2, lines 5-7, and lines 54-59, meeting the limitations of the claim.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (571) 272-6842.

BK


Basil Katcheves

12/06/05

Examiner AU 3635